

S/N 09/905,189

Amendment dated May 9, 2005

Reply to Office Action of February 8, 2005

REMARKS

Applicants have received and reviewed an Office Action dated February 8, 2005. By way of response, Applicants submit a Declaration of Robert D. P. Hei pursuant to 37 C.F.R. § 1.132 and the remarks below. Claims 1-8, 11-12, 15-20, 24-33 and 35-47 are pending. Applicants submit that the pending claims are supported by the specification.

For the reasons given below, Applicants submit the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

Claim Rejections

The Examiner rejected claims 1-5, 11-12, 15-20, 24-25 and 29-32 under 35 U.S.C. § 102(b) as anticipated by Carr et al. (WO 95/34537). The Examiner rejected claims 1-8, 11-12, 15-20, 24-33, and 35-47 under 35 U.S.C. § 103(a) as being obvious over Carr et al. (WO 95/34537) in view of Hei et al. (US 6,593,283) and Chemical Abstracts 134:97683. Applicants respectfully traverse these rejections, and request examination in light of the following comments.

The Office Action asserts Carr et al. teach an aqueous disinfectant solution that contains an organic sulphonic acid such as methane sulfonic acid. The Office Action asserts the claim feature of "free of added strong inorganic acid" is met by Carr et al. because asserted organic acids such as methane sulfonic acid are explicitly disclosed.

These references do not anticipate or render the presently claimed invention obvious because acids such as sulfonic and sulfuric acids are not "organic acids" within the meaning of the specification of the application as filed. Carr et al. disclose a composition that employs an acid catalyst consisting of a sulphonic acid "such as methyl or toluene sulphonic acid" (page 6, lines 13-17). Applicants will submit within two weeks a Declaration by an inventor of the present patent application that states methane sulfonic acid is not an "organic acid", particularly not as organic and inorganic acids are disclosed in the specification of the present patent application.

The present claims recite a composition "free of added strong inorganic acid". Specifically, the specification states that the presently claimed composition should be free of added strong inorganic acids, including sulfuric acids (page 3, lines 21-22). Thus, the presently claimed invention is free of sulfuric acids and the structurally analogous sulfonic acids. Carr et

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al., which disclose the use of methane sulfonic acid, do not disclose use of a composition essentially free of an added inorganic acid as recited in the Applicants' specification and claims because the methane sulfonic acid is an inorganic acid. The Declaration authored by Robert Hei supports these arguments.

Therefore, the Office Action cannot rely on Carr et al., which disclose compositions including methane sulfonic acid, against the present claims, which recite a composition "free of added strong inorganic acid". Applicants' specification describes that sulfuric acids (and thus sulfonic acids) are inorganic within the scope of the presently claimed invention. Thus, in light of the specification, Carr et al. disclose the use of a strong inorganic acid, which teaches away from the presently claimed invention.

Carr et al. cannot anticipate the presently claimed invention because it fails to teach a composition as presently claimed that is essentially free of a strong inorganic acid. Likewise, Carr et al., alone or in combination with other references, does not render the presently claimed invention obvious because Carr et al. teach away from a composition free of strong inorganic acid. The teachings of Hei et al. and the Chemical Abstract fail to remedy the shortcomings of Carr et al.

For at least these reasons, Applicants believe the pending claims are in condition for allowance. Applicants respectfully request withdrawal of these rejections.

Summary

In summary, Applicants submit that each of claims 1-8, 11-12, 15-20, 24-33, and 35-47 are in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this application.

Respectfully submitted,

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